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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/606,314      | 06/25/2003  | Carl R. Vanderschuit | 9053-000028US       | 3195             |

7590 11/03/2004  
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EXAMINER

SAWHNEY, HARGOBIND S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2875

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                     |                       |  |
|------------------------------|---------------------|-----------------------|--|
| <b>Office Action Summary</b> | Application No.     | Applicant(s)          |  |
|                              | 10/606,314          | VANDERSCHUIT, CARL R. |  |
|                              | Examiner            | Art Unit              |  |
|                              | Hargobind S Sawhney | 2875                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/5/04, 7/29/03</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. The preliminary amendment filed on June 10, 2004 and the information disclosure statements filed on May 5, 2004; July 29, 2003; and June 25, 2003 have been entered.

### *Claim Objections*

2. Claims 7, 20 and 33 are objected to because of the following informalities:

Claim 7, lines 1 and 2, "the light source comprising a plurality of light sources" should be rephrased as – the light source assembly comprises a plurality of light sources—for improved clarity. Similar deficiencies also exist in claims 20 and 22.

Appropriate correction is required.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-4,7,8,11-13,16,20,21,24 and 25 are provisionally rejected under the judicially created doctrine of double patenting over claims 1,2,6 and 8-12 of Copending application 10,606,325. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter as follows:

|  |   |  |
|--|---|--|
| Instant<br>Application No.<br>10,606,314 | Copending<br>Application No.:<br>10,606,325 | Discussion on differences, and additional<br>References:   |
| Claims 1-3 and 7                         | Claims 6, 8 and 9                           | Copending application 10,606,325, claims 6, 8 and 9, claim a light hat comprising a head attachment portion – interpreted as a crown – (Claim 6); a bill |

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|--|---|--|
| Instant<br>Application No.<br>10,606,314 | Copending<br>Application No.:<br>10,606,325 | Discussion on differences, and additional<br>References:   |
| Claims 1-3 and 7<br>-Cont'd.             | Claims 6, 8 and 9                           | extending from the crown (Claim 6) and at least one light source positioned within the bill (claims 8 and 9) for directing the light through a portion of the bill.  |
| Claim 4                                  | Claim 6                                     | <p>Copending application 10,606,325, Claim 6, does not specifically a light –transmissive portion defining a portion of a bill. However, the Claim 6 claims a light positioned for directing <u>through</u> a portion of the bill.</p> <p>It would be have been obvious to one of ordinary skill in the art at the time of the invention to realize and provide a light transmissive portion in the bill in order to direct light through the portion of the bill.</p> |
| Claim 8                                  | Claim 6                                     | <p>Copending application 10,606,325, Claim 6, claims a hat with a bill including a light transmissive portion and at least one light source. However, the claim 6 does not specifically claim a controller controlling the operation of the light source.</p> <p>It would be have been obvious to one of ordinary skill in the art at the time of the invention to realize and provide a controller – a switch – to control the operation of the light source.</p>     |
| Claims 11 and 12                         | Claims 1, 2 and 10                          | Copending application 10,606,325, claims 1, 2 and 10 claim a lighted hat comprising: a bill extending from the crown; and at least a portion of the bill   |

| Instant<br>Application No.<br>10,606,314 | Copending<br>Application No.:<br>10,606,325 | Discussion on differences, and additional<br>References:  |
|--|---|---|
| Claims 11 and 12                         | Claims 1, 2 and 10                          | responsive to backlight (Claim 1); at least one black LED directing light to the black light responsive portion (Claims 1 and 2); and the at least one black light source (LED) including a lens (Claim 10).  |
| Claim 13                                 | Claim 6 and 12                              | Copending application 10,606,325 claims 6 and 12, claim a lighted hat comprising: a bill extending from the crown (Claim 1) and a light source including a chemiluminescent material (Claim 12).  |
| Claims 16 and 20                         | Claim 6, 8 and 9                            | Copending application 10,606,325, claims 6, claim a light hat comprising a head attachment portion – interpreted as a crown (Claim 6); a bill extending from the crown; the bill including at least one light transmissive portion (Claim 6); at least one light source positioned within the bill for directing the light through the transmissive portion of the bill (claims 8 and 9). |
| Claim 21                                 | Claim 6                                     | Copending application 10,606,325, claim 6, claims a hat with a bill including a light transmissive portion, and at least one light source. However, the Claim 6 does not specifically claim a controller controlling the operation of the light source.<br><br>It would be have been obvious to one of ordinary   |

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|--|---|--|
| Instant<br>Application No.<br>10,606,314 | Copending<br>Application No.:<br>10,606,325 | Discussion on differences, and additional<br>References: |
|--|---|--|

|                  |                          |   |
|------------------|--------------------------|---|
| Claim 21         | Claim 6                  | skill in the art at the time of the invention to realize and provide a controller – a switch – to control the operation of the light source.  |
| Claims 16 and 24 | Claims 6, 8 and 9 and 11 | <p>Copending application 10,606,325, claims 6, claim a light hat comprising a head attachment portion – interpreted as a crown (Claim 6); a bill extending from the crown; the bill including at least one light transmissive portion (Claim 6); at least one light source positioned within the bill for directing the light through the transmissive portion of the bill (claims 8 and 9).</p> <p>Copending application 10,606,325, claim 11, additionally claims at least one black LED directing light to the black light responsive portion (Claim 11); and the at least one black light source (LED) including a lens (Claim 11).</p> |
| Claims 16 and 25 | Claims 6, 8, 9 and 12    | <p>Copending application 10,606,325, claims 6, claim a light hat comprising a head attachment portion – interpreted as a crown (Claim 6); a bill extending from the crown; the bill including at least one light</p>  |

|  |   |   |
|--|---|---|
| Instant<br>Application No.<br>10,606,314 | Copending<br>Application No.:<br>10,606,325 | Discussion on differences, and additional<br>References:  |
| Claims 16 and 25                         | Claims 6, 8, 9 and<br>12                    | transmissive portion (Claim 6); at least one<br>light source positioned within the bill for directing the<br>light through the transmissive portion of the bill<br>(claims 8 and 9).<br><br>Copending application 10,606,325, claim 12, claims<br>a light source including a chemiluminescent material. |

It would be have been obvious to one of ordinary skill in the art at the time of the invention to meet the limitations of claims 1-4,7,8,11-13,16,20,21,24 and 25 with the claimed features of claims 1,2,6 and 8-12 of the copending application 10,606,325 as discussed above.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application, which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

This is a provisional obviousness-type double patenting rejection.

5. Claims 5, 6, 17, 19, 28-30, 32, 33, 34 and 36-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the copending Application No: 10/606,325 in view of Marston (US Patent Application Pub. No.: US 2003/0151910 A1) hereafter referred as Marston.



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Regarding Claims 5 and 6, the claim 6 of copending application 10/606,325 claims a hat with a bill including a light transmissive portion. However, the claim 6 of copending application 10/606,325 does not specifically claim the light transmissive portion including at least one indicia highlighted by the light from a light source.

On the other hand, Marston discloses a hat 10 (Figure 1) comprising:

- a bill 12 including a light transmissive portion (Figure 1, Para. 0017) defining its upper portion, and further bearing an indicia highlighted by light from a plurality of light sources 18 (Figure 1, Para. 0017 and 0018)

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claim 6 of copending application 10/606,325 by providing the light transimissive portion with indicia as taught by Marston for benefit and advantage of conspicuous advertising.

Regarding claims 17 and 19, each dependent on Claim 16, the claim 6 of copending Application No: 10/606,325 in view of Marston (US Patent Application Pub. No.: US-2003/0151910 A1) meets the limitations of claims 17 and 19 in similar manner as that of the rejections of claims 5 and 6 discussed above.

Regarding claims 28, the claim 6 of copending application 10/606,325 claims a hat with a bill extending from the crown, and the bill further including a light source positioned for directing light through a portion – herewith interpreted as a light transmissive portion. However, the claim 6 of copending application 10/606,325 does not specifically claim the light transmissive portion including at least one indicia

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transmissive portion. However, the claim 6 of copending application 10/606,325 does not specifically claim the light transmissive portion including at least one indicia highlighted by the light from a light source.

On the other hand, Marston discloses a hat 10 (Figure 1) comprising:

- a bill 12 including a light transmissive portion (Figure 1, Para. 0017) defining its upper portion, and further bearing indicia highlighted by light from a light source 18 (Figure 1, Para. 0017 and 0018) positioned within the bill.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claim 6 of copending application 10/606,325 by providing the light transimissive portion with indicia as taught by Marston for benefit and advantage of conspicuous advertising.

Regarding claims 29, 30, 32, 33, 34 and 36, the claim 6 of the copending Application No: 10/606,325 in view of Marston discloses the hat further comprising:

- the light sources 18 being positioned within the bill 12 (Marston, Para. 0017 and 0018);
- the light-transmissive portion (Marston, Figure 1, Para. 0017) defining its upper portion, and further bearing an indicia (Marston, Para. 0017 and 0018);
- a controller 22 – an electrical switch- for controlling the operation of the plurality of LEDs (Marston, Figure 1, Para. 0018); and

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- the light source 18 including a plurality of LEDs (Marston, Figure 1, Para. 0018).

Regarding claim 37, dependent on Claim 28, the claims 6 and 11 of the copending Application No: 10/606,325 in view of Marston discloses the hat further comprising:

- a bill extending from the crown; and at least a light-transmissive portion of the bill responsive to back light (claims 1 and 11); at least one black LED directing light to the black light responsive portion ( claim 11); and the at least one black light source (LED) including a lens (Claim 11).

Regarding claim 38, dependent on Claim 28; the claims 6 and 12 of the copending Application No: 10/606,325 in view of Marston discloses the hat further comprising the light source comprising a chemiluminescent material ( claim 12).

6. Claim 35 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 6 of copending Application No: 10/606,325 in view of Marston (US Patent Application Pub. No.: US 2003/0151910 A1) as applied to claim 28 above, and further in view of Hanley (US Patent No.: 6,733,150 B1).

Neither combined nor individual teaching of copending Application No: 10/606,325 and Marston (US Patent Application Pub. No.: US 2003/0151910 A1) discloses a bill including:

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- an externally flexible surface portion receiving a switching device underneath it;
- the switching device switchably connected to the light source;
- operation of the light source requiring external pressure on the flexible external surface portion of the brim.

On the other hand, Hanley discloses a brim 1400 (Figure 14) comprising:

- an externally flexible surface portion 1414 receiving a switching device 1466 underneath it (Figure 14, column 11, lines 1-4);
- the switching device 1466 switchably connected to the light source 1430 (Figure 14, column 10, line 55).
- Operation of the light source requiring external pressure on the flexible external surface portion of the brim 1400 (Figure 14, column 11, lines 1-4).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claim 6 of copending application 10/606,325 by providing the a switchable device positioned underneath a flexible portion of the brim as taught by Hanley to actuation of the lighting device while maintaining the aesthetic outward appearance of the device.

7. Claims 9, 10, 14, 22, 23 and 26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 6 of copending Application No: 10/606,325 in view of Hanley (US Patent No.: 6,733,150 B1) hereinafter referred as Hanley.

Regarding Claim 9, the claim 6 of copending application 10/606,325 claims a hat with a bill including at least one light source. However, the claim 6 of copending application 10/606,325 does not specifically claim the hat with a brim including:

- an externally flexible surface portion receiving a switching device underneath it;
- the switching device switchably connected to the light source;
- Operation of the light source requiring external pressure on the flexible external surface portion of the brim.

On the other hand, Hanley discloses a brim 1400 (Figure 14) comprising:

- an externally flexible surface portion 1414 receiving a switching device 1466 underneath it (Figure 14, column 11, lines 1-4);
- the switching device 1466 switchably connected to the light source 1430 (Figure 14, column 10, line 55).
- Operation of the light source requiring external pressure on the flexible external surface portion of the brim 1400 (Figure 14, column 11, lines 1-4).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claim 6 of copending application 10/606,325 by providing the a switchable device positioned underneath a flexible portion of the brim as taught by Hanley to actuation of the lighting device while maintaining the aesthetic outward appearance of the device.

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Regarding claim 22, dependent on Claim 16, the claim 6 of copending Application No: 10/606,325 in view of Hanley (US Patent No.: 6,733,150 B1) meets the limitations in similar manner as that of the rejections of claim 9 discussed above,

Regarding Claim 10, the claim 6 of copending application 10/606,325 claims a hat with a bill including at least one light source. However, claim 6 of copending application 10/606,325 does not specifically claim the light source being a light emitting diode (LED).

On the other hand, Hanley discloses a brim 1400 (Figure 14) comprising a plurality of light sources being a plurality of LEDs (Figure 14, claims 1 and 2; and Figure 19, column 13, lines 48 and 49).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claim 6 of copending application 10/606,325 by providing LEDs as the light source for the benefits of compactness, high energy efficiency and long operational life.

Regarding claim 23, dependent on Claim 16, the claim 6 of copending Application No: 10/606,325 in view of Hanley (US Patent No.: 6,733,150 B1) meets the limitations in similar manner as that of the rejections of claim 10 discussed above.

Regarding Claim 14, the claim 6 of copending application 10/606,325 claims a hat with a bill including at least one light source. However, claim 6 of copending application 10/606,325 does not specifically claim the bill being adapted to allow adjustment of the direction of light emitted by the light source.

On the other hand, Hanley discloses a lighted hat 101 comprising a flexible bill 108 (Figure 1, column 3, lines 25-29) adapted to allow adjustment – at least in a vertical plane - of the direction of the light emitted from the light source.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claim 6 of copending application 10/606,325 by providing a flexible portion of the brim as taught by Hanley for the benefits of adjustment of the light source.

Regarding claim 26, dependent on Claim 16, the claim 6 of copending Application No: 10/606,325 in view of Hanley (US Patent No.: 6,733,150 B1) meets the limitations in similar manner as that of the rejections of claim 14 discussed above.

8. Claims 15 and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 6 of copending Application No: 10/606,325 in view of Hanley (US Patent No.: 6,733,150 B1) as applied to claim 14 above, and further in view of Baker (US Patent No.: 6,088,837).

Regarding Claim 15, claim 6 of copending application 10/606,325 in view of Hanley ('150 B1) claims a hat with a flexible bill 108 (Figure 1, column 3, lines 25-29) including at least one light source. However neither combined nor individual teaching of the claim 6 of the copending application 10/606,325 and Hanley ('150 B1) teaches a bill having its portion being pivotable relative to the bill of a hat.

Regarding Claim 15, claim 6 of copending application 10/606,325 in view of

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Hanley ('150 B1) claims a hat with a flexible bill 108 (Figure 1, column 3, lines 25-29) including at least one light source. However neither combined nor individual teaching of the claim 6 of the copending application 10/606,325 and Hanley ('150 B1) teaches a bill having its portion being pivotable relative to the bill of a hat.

On the other hand, Baker ('837) discloses a hat including a bill 14 (Figures 1-3) having its portion 18 being pivotable relative to the bill 14 (Figures 1-3, column 2, lines 41-46).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the hat claimed by the claim 6 of copending application 10/606,325 in view of Hanley by providing the pivotable bill as taught by Baker ('837) for the benefits of adjustment of the light source.

Regarding claim 27, dependent on Claim 16, the claim 6 of copending Application No: 10/606,325 in view of Hanley ('150 B1) and further in view of Baker ('837) meets the limitations in similar manner as that of the rejections of claim 15 discussed above.

9. Claim 16 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the copending Application No: 10/606,325 in view of Polaire (US Patent No.: 6,721,962 B1) hereafter referred as Polaire.

Claim 6 and its dependent claims 8 and 9, of copending application 10/606,325 claims a hat with a bill including a light transmissive portion, and at least one light source positioned within the bill. However, the copending application 10/606,325 does



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not specifically claim the light transmissive portion defining at least a portion of an edge of the bill.

On the other hand, Polaire discloses a hat 10 (Figure 1) comprising:

- a bill 30 including a light transmissive portion 50 defining a portion of the edge of the bill 30 (Figures 1 and 3, column 3, lines 14-19).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claims 6, 8 and 9 of copending application 10/606,325 by providing the light transimissive portion and its positioning as taught by Polaire for benefit and advantage of conspicuous advertising while maintaining the aesthetic and comfort of non-lighted hat.

10. Claim 31 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 6 of copending Application No: 10/606,325 in view of Marston (US Patent Application Pub. No.: US 2003/0151910 A1) as applied to claim 28 above, and further in view of Polaire (US Patent No.: 6,721,962 B1) hereafter referred as Polaire.

Claim 6 and its dependent claims 8 and 9, of copending application 10/606,325 claims a hat with a bill including a light transmissive portion, and at least one light source positioned within the bill. However, claims 6 and its dependent claims 8 and 9 of the copending application 10/606,325 does not specifically claim the light transmissive portion defining at least a portion of an edge of the bill.

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On the other hand, Polaire discloses a hat 10 (Figure 1) comprising:

- a bill 30 including a light transmissive portion 50 defining a portion of the edge of the bill 30 (Figures 1 and 3, column 3, lines 14-19).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the hat claimed claims 6, 8 and 9 of copending application 10/606,325 by providing the light transimissive portion and its positioning as taught by Polaire for benefit and advantage of conspicuous advertising while maintaining the aesthetic and comfort of non-lighted hat.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Waters et al. (U.S. Patent No.: 6,659,618 B2), Marston (U.S. Patent No. Application Pub. No.: US 2003/0151910 A1), Pfaeffle (U.S. Patent No. 5,931,559), Douglas (U.S. Patent No. 5,809,678), Newsome (U.S. Patent No. 5,676,449), Kronenberger (U.S. Patent No. 5,404,593), Shen (U.S. Patent No. 4,901,211) and Heminover (U.S. Patent No. 4,231,079)

Each of the above-indicated prior arts discloses an illuminated headwear comprising some of the claimed features claimed by the applicant.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

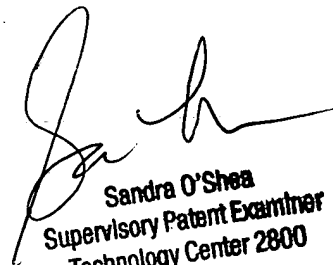
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

10/26/2004



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800